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Gudrun E. Huckett, Patent Agent

Applicant: Peter Nagler
Serial No: 10/709,614
Filed: 5/18/2004
Title: Device for Automated Manipulation of Articles
Examiner: Joseph E. Valenza
Art Unit: 3651

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In response to the office action dated 11/29/2004, Applicant herewith elects the species of **Fig. 4 with claims 1 to 8 and 10 to 12** for further prosecution with traverse.

Applicant would like to point out that Fig. 1 illustrates the device according to the invention in a basic configuration. Figs. 2 and 3 show the gripping device 6 in more detail. The Figs. 4 and 5 show a variant of the conveying belt of the device according to the invention. Figs. 6 and 7 show the same conveyor belt as Fig. 1; in addition to Fig. 1, Figs. 6 and 7 show a lifting device 40 underneath the conveyor belt and an intermediate support 42. The gripping device 6 is one and the same in all illustrations.

Therefore, the election of Fig. 4 must include also Fig. 5 and Figs. 2 and 3 as the gripping device 6 is the same in all embodiments. The only variation between the embodiments is the different construction of the conveyor belt (Figs. 4 and 5) and the addition of the lifting device and intermediate support (Figs. 6 and 7).

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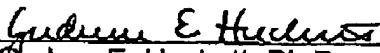
12/23/04: Response Restriction/Election Req. Ser. No. 10/709,614 - Inventor(s): Peter Nagler - Filed: 5/18/2004

The examiner states that claim 1 is not generic to all embodiments. This is incorrect. Claim 1 defines the working surface as being comprised of "neighboring longitudinal elements, wherein longitudinal gaps are formed between the neighboring longitudinal elements" (emphasis added). Claim 1 does not correlate "longitudinal" to the lengthwise extension of the working surface (conveyor) in any way. Moreover the specification sets forth (see paragraph 0029) that the conveyor belt 30 has a topside 32 comprised of longitudinal elements 7 that extend transversely to the transport direction 29 of the conveyor belt 30. The specification moreover sets forth specifically that the longitudinal elements 7 of Figs. 4 and 5 are transverse stays while according to Fig. 1 the longitudinal elements 7 are longitudinal stays. The term "longitudinal element" as used in the specification obviously only refers to length and a lengthwise dimension (see attached copy of *Merriam Webster OnLine*, entry #2 for "longitudinal") and has nothing to do with a lengthwise arrangement in the transport direction of the conveyor. Claim 1 is therefore clearly generic to all embodiments.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail message from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on December 23, 2004,


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GEH

Encl. copy of Merriam-Webster OnLine

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